

Message Text

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PAGE 01 SEOUL 03885 110346Z
ACTION EA-09

INFO OCT-01 ISO-00 L-03 EB-07 COME-00 TRSE-00 /020 W
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R 110315Z MAY 77
FM AMEMBASSY SEOUL
TO SECSTATE WASHDC 3812

LIMITED OFFICIAL USE SEOUL 3885

EO 11652: N/A
TAGS: BTRA KS
SUBJ: TRAVEL TO KOREA OF U.S. LAWYER

REF: STATE 103257

1. REX COLEMAN OF BAKER AND MCKENZIE CALLED ON E/C COUNSELOR
MAY 10.

2. COLEMAN EXPLAINED THAT HIS VISIT WAS BY NATURE INTRODUCTORY.
HE BELIEVES HIS FIRM MAY HAVE AN OFFICE IN KOREA IN THE FUTURE
AND SO WISHED TO MEET PEOPLE IN THE EMBASSY. HE ALSO WANTED TO
ASCERTAIN THE EMBASSY'S ATTITUDE ON QUESTIONS, TWO IN PARTICULAR,
HE HAD ABOUT THE FCN.

3. COLEMAN POINTED OUT THAT ARTICLE XV OF THE FCN REQUIRES THE
PARTIES TO PUBLISH ALL REGULATIONS PERTAINING TO TRADE. HE
AVERRED THAT THE KOREAN GOVERNMENT HAD NOT COMPLIED IN FULL AND
INDICATED TWO CASES INVOLVING MINISTERIAL REGULATIONS AFFECTING
THE FOREIGN EXCHANGE CONTROL SYSTEM WHERE THAT WAS TRUE. HE ASKED
IF IT WOULD BE POSSIBLE TO OBTAIN COPIES OF REGULATIONS THAT
ARE NOT PUBLISHED.

4. COLEMAN ALSO ASKED ABOUT EMBASSY POSITION WITH RESPECT TO
ARTICLE XII REQUIREMENT THAT BOTH PARTIES PERMIT REMITTANCE OF
LAWFUL CAPITAL INVESTMENTS. HE SAID THAT HE DID NOT HAVE A
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PRESENTLY ACTIVE CASE BUT SEVERAL COULD ARISE IN THE FUTURE.
(THE FOREIGN CAPITAL INDUCEMENT LAW GUARANTEES THE REMITTANCE
OF CAPITAL AFTER TWO YEARS OF OPERATIONS FOR FIRMS REGISTERED
UNDER THAT LAW. COLEMAN WAS REFERRING TO LAWFUL INVESTMENTS
WHICH ARE NOT REGISTERED UNDER THE FCIL BUT WHICH HE CLAIMS ARE
COVERED BY THE FCN.)

6. IN RESPONSE TO COLEMAN'S QUESTIONS, E/C COUNSELOR SAID THAT THE PUBLICATION ISSUE HAD NOT ARISEN BEFORE BUT IT WAS PROBABLE THAT THE EMBASSY COULD OBTAIN COPIES OF KOREAN GOVERNMENT REGULATION UPON REQUEST. AS FOR INVESTMENT PROBLEMS, COUNSELOR SAID IT WOULD NOT BE POSSIBLE TO GENERALIZE, BUT EMBASSY WOULD CONSIDER THE MERITS OF EACH CASE BROUGHT TO IT.
SNEIDER

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Message Attributes

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Disposition Approved on Date:
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Disposition Date: 22 May 2009
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